

REMARKS

The following remarks are responsive to the Official Action mailed December 7, 2006.

Applicant acknowledges with appreciation that the Examiner has allowed claims 24-29 and deemed claims 14-19 to contain patentable subject matter and would be allowable if rewritten to include all the limitations of the base claims and any intervening claims. Applicant notes that claims 24-29 mimic the recitations as included within claims 14-19. Hence, claims 14-19 have been cancelled.

Claim Rejection - 35 U.S.C. §103(a) - Baublitz et al.

Claims 1-2, 4-13, and 20-22 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,622,258 to Baublitz et al in view of official Notice being taken of a glue gun placed in a package. Of these rejected claims, claims 1, 10 and 20 are independent claims. Independent claims 1, 10 and 20 include recitation that the product includes a trigger or actuation member. The claims also include the recitation that the trigger and/or actuation member is disposed on the single handle of the product and is easily grippable by a person since the trigger is remote from the package. Claims 1, 10 and 20 includes various references which disclose the above mentioned subject matter.

Baublitz is directed to a packaging system for a dual-handled stapler. The stapler includes a first handle and a second handle. Actuation of a staple is carried out by moving one of the handles proximate to the other handle. Thus, as included within the present application, Baublitz does not disclose a trigger mechanism disposed on a single handle. Nor does Baublitz disclose packaging in a manner that a trigger mechanism located on a handle would be accessible and operable without opening the package. Taking Official Notice of the glue gun does not make up for the deficiency of Baublitz. The

Examiner has not cited any materials that would provide motivation for combining a glue gun with the packaging disclosed by Baublitz in a manner that its trigger is accessible and operable without opening the package. Since the Examiner has used impermissible hind sight to create a combination not taught disclosed or suggested by the cited references, the cited references do not make claims 1, 10 and 20 obvious. Therefore, Applicant asserts that independent claims 1, 10 and 20 as well as their dependent claims are patentable over impermissible combination of Baublitz and a glue gun and should be deemed allowed.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 12, 2007

Respectfully submitted,

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